

PROOF

STATE OF IOWA

House Journal

MONDAY, APRIL 5, 2004

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JOURNAL OF THE HOUSE

Eighty-fifth Calendar Day - Fifty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 5, 2004

The House met pursuant to adjournment at 1:00 p.m., Speaker Rants in the chair.

Prayer was offered by Reverend Jeff Sajdak, pastor of Immanuel Christian Reformed Church, Orange City. He was the guest of Representative Ralph Klemme from Plymouth County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants. "America the Beautiful", was sung by Monique Holmes of Cedar Falls, a senior at the University of Northern Iowa, majoring in vocal performance and music education and the guest of Representative Deborah Berry from Black Hawk County.

The Journal of Friday, April 2, 2004 was approved.

ADOPTION OF [HOUSE RESOLUTION 152](#)

Bukta of Clinton, Osterhaus of Jackson, Lykam of Scott, and Winkler of Scott called up for consideration [House Resolution 152](#), a resolution honoring Dr. John T. Blong, Chancellor of Eastern Iowa Community College District, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Winkler of Scott introduced to the House, Vicki Mc Avoy, Muscatine Community College President; Nancy Kathenbeuten, XD Continuing Ed; Shirley Stewart and husband Glen, Board Member, Kirby Kleffmann, Board Chair; Richard Harston, Board Member; Honey Zedell, Assistant to Chancellor, Gene Gardner, Iowa Community College Trustee and Dr. John T. Blong, Chancellor of Eastern Iowa Community College District.

The House rose and expressed its welcome.

The House stood at ease at 1:15 p.m., until the fall of the gavel.

The House resumed session at 4:17 p.m., Speaker Rants in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jones of Mills and Manternach of Jones on request of Gipp of Winneshiek.

CONSIDERATION OF BILLS Appropriations Calendar

[House File 2547](#), a bill for an act providing for the disposition and sale of certain state-owned motor vehicles and making an appropriation, was taken up for consideration.

Raecker of Scott asked and received unanimous consent to withdraw amendment [H-8349](#) filed by Raecker, et al., placing out of order amendment [H-8356](#) filed by Raecker of Polk and Huser of Polk on March 31, 2004.

Raecker of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2547](#))

The ayes were, 75:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boguess	Carroll
Chambers	Dandekar	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Ford	Freeman
Gaskill	Gipp	Granzow	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lukan	Lykam

Maddox	McCarthy	Mertz	Oldson
Olson, S.	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
Stevens	Struyk	Swaim	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Wilderdyke	Mr. Speaker	
		Rants	

The nays were, 23:

Berry	Bukta	Cohoon	Connors
Davitt	Foege	Frevert	Greimann
Hunter	Jochum	Lensing	Mascher
Miller	Murphy	Olson, D.	Osterhaus
Shoultz	Smith	Taylor, D.	Taylor, T.
Whitead	Winckler	Wise	

Absent or not voting, 2:

Jones	Manternach
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 5, 2004, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 297](#), a bill for an act relating to the regulation of snowmobiles and all-terrain vehicles, establishing fees, providing penalties, and providing applicability dates.

Also: That the Senate has on April 5, 2004, amended and passed the following bill in which the concurrence of the House is asked:

[Senate File 2026](#), a bill for an act relating to the phaseout of the sales and use taxes on the sale and furnishing of gas, electricity, and fuel to residential customers.

MICHAEL E. MARSHALL, Secretary

[House File 2554](#), a bill for an act relating to the establishment of a prescription drug assistance program by the commissioner of

insurance, and providing for a contingent appropriation, was taken up for consideration.

Upmeyer of Hancock moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2554](#))

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Jones Manternach

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILES 2216 and 2507 WITHDRAWN

Upmeyer of Hancock asked and received unanimous consent to withdraw House Files 2216 and 2507 from further consideration by the House.

House File 2555, a bill for an act providing for specified changes regarding programs under the purview of the department of public health, providing a penalty, and making an appropriation, was taken up for consideration.

Greiner of Washington offered the following amendment [H-8382](#) filed by her and Ford of Polk from the floor and moved its adoption:

[H-8382](#)

- 1 Amend [House File 2555](#) as follows:
- 2 1. Page 2, by inserting after line 8 the
- 3 following:
- 4 "Sec. ____ NEW SECTION. 135.105D VOLUNTARY LEAD
- 5 HAZARD REMEDIATION - LIABILITY.
- 6 1. The department shall adopt rules, pursuant to
- 7 chapter 17A, setting forth voluntary lead hazard
- 8 remediation standards for an owner or managing agent
- 9 of target housing or a child-occupied facility
- 10 constructed prior to 1978. In promulgating these
- 11 rules, the department shall consult with state
- 12 associations of real estate agents and landlords.
- 13 2. The department shall also adopt rules, pursuant
- 14 to chapter 17A, setting forth the conditions under
- 15 which an owner or managing agent of target housing or
- 16 a child-occupied facility constructed prior to 1978
- 17 who has voluntarily completed lead hazard remediation
- 18 and who is sued by a current or former occupant
- 19 seeking damages for injuries allegedly arising from
- 20 exposure to lead-based paint hazards shall be immune
- 21 from liability.
- 22 3. The department shall adopt rules, pursuant to
- 23 chapter 17A, to develop and administer a central
- 24 registry of target housing or child-occupied
- 25 facilities constructed prior to 1978 that meet the
- 26 lead hazard remediation standards promulgated by the
- 27 department pursuant to subsection 1. The department
- 28 shall establish by rule fees in amounts sufficient to
- 29 defray the costs of administering the central
- 30 registry. Fees received shall be considered repayment
- 31 receipts as defined in section 8.2. The department
- 32 shall consider providing internet access to the

33 registry.
 34 4. For purposes of this section, "child-occupied
 35 facility", "lead-based paint hazard", and "target
 36 housing" shall mean the same as defined in
 37 departmental rules."
 38 2. By renumbering as necessary.

Amendment [H-8382](#) was adopted.

Eichhorn of Hamilton asked and received unanimous consent that amendment [H-8343](#) be deferred.

Eichhorn of Hamilton asked and received unanimous consent that amendment [H-8318](#) be deferred.

Eichhorn of Hamilton offered the following amendment [H-8343](#), previously deferred, filed by him, and moved its adoption.

[H-8343](#)

1 Amend [House File 2555](#) as follows:
 2 1. Page 2, line 15, by striking the word
 3 "construction".

Amendment [H-8343](#) was adopted.

Eichhorn of Hamilton asked and received unanimous consent to withdraw amendment [H-8318](#), previously deferred, filed by him on March 25, 2004.

Upmeyer of Hancock moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2555](#))

The ayes were, 97:

Arnold	Baudler	Bell	Berry
Boal	Boddicker	Bogges	Bukta
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn

Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shomshor	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, 1:

Alons

Absent or not voting, 2:

Jones Manternach

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Ways and Means Calendar

[House File 2557](#), a bill for an act providing for the regulation of securities, providing for fees and penalties, and providing an effective date, was taken up for consideration.

Sands of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2557](#))

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cphoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake

Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdye	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Jones Manternach

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

[House File 2559](#), a bill for an act relating to the duties of the college student aid commission and the approval and registration of postsecondary schools by the commission, the department of education, and the secretary of state, and the establishment and collection of fees and chargeable expenses by the state board of education and the secretary of state, was taken up for consideration.

Dolecheck of Ringgold offered the following amendment **[H-8342](#)** filed by him and Upmeyer of Hancock and moved its adoption:

[H-8342](#)

- 1 Amend **[House File 2559](#)** as follows:
- 2 1. Page 3, by striking lines 1 through 5.
- 3 2. Page 3, by inserting before line 6 the
- 4 following:
- 5 "Sec.____. Section 261.37, subsection 7, Code
- 6 Supplement 2003, is amended to read as follows:

7 7. To establish an effective system for the
8 collection of delinquent loans, including the adoption
9 of an agreement with the department of administrative
10 services to set off against a defaulter's income tax
11 refund or rebate the amount that is due because of a
12 default on a guaranteed or parental loan made under
13 this division. The commission shall adopt rules under
14 chapter 17A necessary to assist the department of
15 administrative services in the implementation of the
16 student loan setoff program as established under
17 section 8A.504. The commission shall apply
18 administrative wage garnishment procedures authorized
19 under the federal Higher Education Act of 1965, as
20 amended and codified in 20 U.S.C. § 1071 et seq., for
21 all delinquent loans, including loans authorized under
22 section 261.38, when a defaulter who is financially
23 capable of paying fails to voluntarily enter into a
24 reasonable payment agreement. In no case shall the
25 commission garnish more than the amount authorized by
26 federal law for all loans being collected by the
27 commission, including those authorized under section
28 261.38."
29 3. By renumbering as necessary.

Amendment [H-8342](#) was adopted.

Carroll of Poweshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2559](#))

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.

Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Jones Manternach

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 5, 2004, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2149](#), a bill for an act relating to games of chance by authorizing certain bingo games and prizes for bingo and raffles and providing an effective date.

Also: That the Senate has on April 5, 2004, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2177](#), a bill for an act relating to the possession and self-administration of asthma or other airway constricting disease medication by public and accredited nonpublic school students.

Also: That the Senate has on April 5, 2004, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2234](#), a bill for an act relating to child custody and visitation provisions.

MICHAEL E. MARSHALL, Secretary

[House File 2562](#), a bill for an act relating to electrical and mechanical amusement devices that are required to be registered with the department of inspections and appeals, establishing fees, making an appropriation, making penalties applicable, and including

an effective and retroactive applicability provision, was taken up for consideration.

Kramer of Polk offered the following amendment [H-8368](#) filed by him and moved its adoption:

[H-8368](#)

- 1 Amend [House File 2562](#) as follows:
- 2 1. Page 1, line 32, by striking the word
- 3 "initially".
- 4 2. Page 1, by striking line 33 and inserting the
- 5 following: "subsection and is only located on
- 6 premises for which a class "A", class "B", class "C",
- 7 or class "D" liquor control license has been issued
- 8 pursuant to chapter 123, for on-premises consumption.
- 9 For an".
- 10 3. Page 2, line 4, by inserting after the word
- 11 "premises" the following: "for which a class "A",
- 12 class "B", class "C", or class "D" liquor control
- 13 license has been issued pursuant to chapter 123, for
- 14 on-premises consumption".
- 15 4. Page 2, line 14, by striking the word
- 16 "initially".
- 17 5. Page 2, by striking line 15 and inserting the
- 18 following: "may be renewed".
- 19 6. Page 2, line 18, by inserting after the words
- 20 "to this chapter." the following: "However, the
- 21 number of electrical and mechanical amusement devices
- 22 registered by the department under this subsection
- 23 shall not exceed the total number of devices
- 24 registered by the department as of the effective date
- 25 of this Act."
- 26 7. Page 2, by striking lines 19 through 22 and
- 27 inserting the following: "A person owning or leasing
- 28 an".
- 29 8. Page 2, line 31, by striking the word "In".
- 30 9. By striking page 2, line 32, through page 3,
- 31 line 2.
- 32 10. Page 3, line 4, by striking the word
- 33 "subsection" and inserting the following:
- 34 "subsections".
- 35 11. Page 3, by inserting after line 11 the
- 36 following:
- 37 "NEW SUBSECTION. 5B. Each electrical or
- 38 mechanical amusement device required to be registered
- 39 as provided by this section shall include on the
- 40 device a security mechanism which prevents the device
- 41 from being operated by a person until action is taken
- 42 by the owner or owner's designee to allow the person
- 43 to operate the device."

- 44 12. Page 4, line 32, by striking the words "or
45 class "B" beer permit".
46 13. Page 4, line 34, by striking the words "or
47 beer permit".
48 14. Page 6, by inserting after line 28 the
49 following:
50 "Sec. ____ . ELECTRICAL AND MECHANICAL AMUSEMENT

Page 2

- 1 DEVICES – NONLIQUOR CONTROL LICENSEES – SPECIAL
2 PROVISIONS.
3 1. Notwithstanding any provision of section
4 99B.10, subsection 4, as amended by this Act, to the
5 contrary, an owner of an electrical and mechanical
6 amusement device that has been registered pursuant to
7 section 99B.10, subsection 4, prior to the effective
8 date of this Act that is offered for use by the public
9 at a location for which a class "A", class "B", class
10 "C", or class "D" liquor control license has not been
11 issued pursuant to chapter 123 shall be allowed to
12 offer the device for use by the public until July 1,
13 2005.
14 2. On and after July 1, 2005, an owner of an
15 electrical and mechanical amusement device as
16 described in subsection 1 shall not offer the device
17 for use by the public. However, the owner of a device
18 shall be permitted to sell the device to a
19 distributor, as defined in section 99B.1, as amended
20 by this Act, or to a person authorized to offer the
21 device to the public pursuant to section 99B.10,
22 subsection 4, as amended by this Act."
23 15. By renumbering as necessary.

Amendment [H-8368](#) was adopted.

Gaskill of Wapello offered the following amendment [H-8375](#) filed by her from the floor and moved its adoption:

[H-8375](#)

- 1 Amend [House File 2562](#) as follows:
2 1. Page 4, line 5, by striking the words "two
3 thousand".

Amendment [H-8375](#) lost.

Kramer of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2562](#))

The ayes were, 86:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Carroll	Chambers	Dandekar	Davitt
De Boef	Dennis	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Ford
Freeman	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jochum	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Maddox	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	Shultz	Smith
Stevens	Struyk	Swaim	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitead	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, 10:

Bukta	Cohoon	Foege	Frevert
Gaskill	Jacoby	Jenkins	Lykam
Taylor, D.	Whitaker		

Absent or not voting, 4:

Connors	Dix	Jones	Manternach
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2547, 2554, 2555, 2557, 2559 and 2562.**

HOUSE FILES 2114 and 2501 WITHDRAWN

Kramer of Polk asked and received unanimous consent to withdraw House Files 2114 and 2501 from further consideration by the House.

[HOUSE FILE 2492](#) WITHDRAWN

Upmeyer of Hancock asked and received unanimous consent to withdraw [House File 2492](#) from further consideration by the House.

[HOUSE FILE 2417](#) WITHDRAWN

Carroll of Poweshiek asked and received unanimous consent to withdraw [House File 2417](#) from further consideration by the House.

[HOUSE FILE 2409](#) WITHDRAWN

Sands of Louisa asked and received unanimous consent to withdraw [House File 2409](#) from further consideration by the House.

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of [House File 2568](#).

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk on request of Murphy of Dubuque.

[House File 2568](#), a bill for an act relating to individual health insurance program modification; restructuring and modification of eligibility, benefits, tax offsets, and other terms related to the operation of the Iowa comprehensive health insurance association; phaseout of guaranteed basic and standard individual insurance plans; and coverage of federal Trade Adjustment Act recipients under

the Iowa comprehensive health insurance Act; and providing effective dates, was taken up for consideration.

Sands of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2568](#))

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	Shultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, 4:

Connors	Freeman	Jones	Manternach
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2487 WITHDRAWN

Sands of Louisa asked and received unanimous consent to withdraw [House File 2487](#) from further consideration by the House.

Unfinished Business Calendar

[Senate File 2066](#), a bill for an act modifying requirements for securing children transported in motor vehicles and making a penalty applicable, with report of committee recommending passage, was taken up for consideration.

McCarthy of Polk asked and received unanimous consent to withdraw amendment [H-8303](#) filed by McCarthy, et al., placing out of order amendment [H-8332](#) filed by McCarthy of Polk on March 29, 2004.

Chambers of O'Brien offered the following amendment [H-8369](#) filed by him and McCarthy of Polk and moved its adoption:

[H-8369](#)

- 1 Amend [Senate File 2066](#), as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, line 2, by striking the word "~~twelve-~~
- 4 ~~month~~" and inserting the following: "~~eighteen-month~~".
- 5 2. Page 2, line 3, by striking the word and
- 6 figure "~~June 30.~~" and inserting the following:
- 7 "~~December 31.~~".
- 8 3. Page 2, by striking line 13, and inserting the
- 9 following: "~~January 1, 2006.~~"
- 10 4. Page 2, by striking line 21 and inserting the
- 11 following:
- 12 "Sec. ____ EDUCATION PROGRAMS AND COMPLIANCE
- 13 ASSISTANCE.
- 14 1. The state department of transportation, in".
- 15 5. Page 2, by inserting after line 25 the
- 16 following:
- 17 "2. The state department of transportation and the
- 18 department of public safety shall make every
- 19 reasonable effort to identify existing programs
- 20 administered by state and local government agencies
- 21 that provide assistance to low-income families and to
- 22 coordinate efforts with those agencies to assist Iowa
- 23 parents, including but not limited to parents with
- 24 more than three children under age eleven, to comply
- 25 with the requirements of this Act. This subsection is

26 contingent upon the availability of funds to cover the
 27 costs associated with its implementation."
 28 6. By renumbering as necessary.

Amendment [H-8369](#) was adopted.

Chambers of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 2066](#))

The ayes were, 88:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boggess	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	Dennis	Dix	Dolecheck
Drake	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Kramer	Kuhn	Kurtenbach
Lensing	Lukan	Lykam	Maddox
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Fossen, J.K.
Van Fossen, J.R.	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker
			Rants

The nays were, 8:

Boddicker	De Boef	Eichhorn	Horbach
Klemme	Lalk	Van Engelenhoven	Watts

Absent or not voting, 4:

Connors	Granzow	Jones	Manternach
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 5, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

[House File 2544](#), a bill for an act requiring identification numbers for all parcels of real estate, additional real estate transaction recordings, and making a fee applicable.

Also: That the Senate has on April 5, 2004, passed the following bill in which the concurrence of the House is asked:

[Senate File 2302](#), a bill for an act relating to tax credits for investments in certain qualifying businesses and community-based seed capital funds and providing for retroactive applicability.

MICHAEL E. MARSHALL, Secretary

[Senate File 2183](#), a bill for an act relating to asset disregard under the medical assistance program for the purchase of a qualified long-term care insurance policy, providing for a repeal, and providing a contingent effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Klemme of Plymouth in the chair at 6:33 p.m.

Sands of Louisa offered the following amendment [H-8329](#) filed by the committee on commerce, regulation and labor and moved its adoption:

[H-8329](#)

- 1 Amend [Senate File 2183](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 29 and 30.
- 4 2. Page 2, by striking lines 3 through 22.
- 5 3. Page 2, by striking lines 24 through 32 and
- 6 inserting the following:
- 7 "An individual who is the beneficiary of a
- 8 qualified long-term care insurance policy approved by
- 9 the insurance division is eligible for assistance
- 10 under the medical assistance program using the asset
- 11 disregard provisions pursuant to section 249J.6."
- 12 4. Page 3, lines 29 and 30, by striking the words
- 13 "for individuals up to seventy-two years of age".
- 14 5. Page 4, line 12, by striking the words "for
- 15 individuals up to seventy-two years of age".

16 6. By renumbering as necessary.

The committee amendment [H-8329](#) was adopted.

Sands of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 2183](#))

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Klemme, Presiding

The nays were, none.

Absent or not voting, 4:

Connors	Granzow	Jones	Manternach
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

[Senate File 2190](#), a bill for an act relating to the development of the long-term care system in Iowa, with report of committee recommending passage, was taken up for consideration.

Ford of Polk offered the following amendment [H-8381](#) filed by him from the floor and moved its adoption:

[H-8381](#)

- 1 Amend [Senate File 2190](#), as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, by inserting after line 1, the
- 4 following:
- 5 "____. Increasing the quality of care provided in
- 6 the long-term care system.
- 7 _____. Increasing the effectiveness of long-term
- 8 care regulatory enforcement programs."
- 9 2. By renumbering as necessary.

Amendment [H-8381](#) lost.

Upmeyer of Hancock moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 2190](#))

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	Shultz	Smith

Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Klemme, Presiding

The nays were, none.

Absent or not voting, 4:

Connors	Granzow	Jones	Manternach
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

[Senate File 2213](#), a bill for an act regarding the revocation of fishing and hunting licenses by the department of natural resources for nonpayment of the license fee, with report of committee recommending passage, was taken up for consideration.

Lukan of Dubuque offered the following amendment [H-8360](#) filed by him and moved its adoption:

[H-8360](#)

- 1 Amend [Senate File 2213](#), as passed by the Senate, as
- 2 follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. Section 481A.134, Code 2003, is
- 6 amended to read as follows:
- 7 481A.134 AUTHORITY TO ~~CANCEL~~, SUSPEND, OR REVOKE
- 8 LICENSE – POINT SYSTEM.
- 9 The department shall establish rules pursuant to
- 10 chapter 17A providing for the suspension or revocation
- 11 of licenses issued by the department. The rules may
- 12 include procedures for summary cancellation of a
- 13 license based on documentation that the licensee
- 14 failed to pay the applicable fee for the license. For
- 15 purposes of determining when to suspend or revoke a
- 16 license issued by the department under this section,
- 17 the department shall adopt a point system pursuant to
- 18 chapter 17A for the purpose of weighing the
- 19 seriousness of violations of the provisions of this
- 20 chapter or chapter 481B, 482, 483A, 484A, or 484B.
- 21 The weighted scale may be amended from time to time as
- 22 experience dictates."
- 23 2. Title page, line 1, by striking the word

24 "revocation" and inserting the following:
 25 "cancellation".

Amendment [H-8360](#) was adopted.

Lukan of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 2213](#))

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Klemme, Presiding

The nays were, none.

Absent or not voting, 4:

Connors	Granzow	Jones	Manternach
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 2266, a bill for an act relating to landlord disclosure requirements regarding the environmental status of rental property, with report of committee recommending passage, was taken up for consideration.

Baudler of Adair asked and received unanimous consent to withdraw amendment **H-8319** filed by him on March 25, 2004.

Paulsen of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (**S.F. 2266**)

The ayes were, 95:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Dandekar	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foegen	Ford	Freeman
Frevert	Gaskill	Gipp	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Klemme, Presiding	

The nays were, none.

Absent or not voting, 5:

Connors	Davitt	Granzow	Jones
Manternach			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE MESSAGES CONSIDERED

[Senate File 2026](#), by committee on ways and means, a bill for an act relating to the reduction of the sales and use taxes on the sale and furnishing of gas, electricity, and fuel to residential customers and the setting aside of sales and use tax revenues for an alternative energy program.

Read first time and **passed on file.**

[Senate File 2302](#), by committee on ways and means, a bill for an act relating to tax credits for investments in certain qualifying businesses and community-based seed capital funds and providing for retroactive applicability.

Read first time and referred to committee on **ways and means.**

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 2568](#), and **Senate Files 2066, 2183, 2190, 2213 and 2266.**

Ways and Means Calendar

[Senate File 2284](#), a bill for an act relating to the establishment of a regional transit district within the unincorporated areas of certain counties and within certain cities, requiring creation of a regional transit district commission, authorizing the voluntary imposition of a regional transit property tax levy, and providing for the issuance of general obligation bonds and revenue bonds, with report of committee recommending passage and was taken up for consideration.

Kramer of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 2284](#))

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Klemme, Presiding

The nays were, none.

Absent or not voting, 4:

Connors	Granzow	Jones	Manternach
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 469 WITHDRAWN

Raecker of Polk asked and received unanimous consent to withdraw House File 469 from further consideration by the House.

Senate File 449, a bill for an act providing a wind energy production tax credit under the individual and corporate income taxes, the franchise tax, and insurance premiums tax and including an applicability date provision, with report of committee recommending amendment and passage, was taken up for consideration.

Kurtenbach of Story offered amendment [H-8352](#) filed by the committee on ways and means as follows:

[H-8352](#)

1 Amend [Senate File 449](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. NEW SECTION. 422.11J WIND ENERGY
6 PRODUCTION TAX CREDIT.
7 The taxes imposed under this division, less the
8 credits allowed under sections 422.12 and 422.12B,
9 shall be reduced by a wind energy production tax
10 credit allowed under chapter 476B.
11 Sec. 2. Section 422.33, Code Supplement 2003, is
12 amended by adding the following new subsection:
13 NEW SUBSECTION. 16. The taxes imposed under this
14 division shall be reduced by a wind energy production
15 tax credit allowed under chapter 476B.
16 Sec. 3. Section 422.60, Code Supplement 2003, is
17 amended by adding the following new subsection:
18 NEW SUBSECTION. 9. The taxes imposed under this
19 division shall be reduced by a wind energy production
20 tax credit allowed under chapter 476B.
21 Sec. 4. NEW SECTION. 432.12E WIND ENERGY
22 PRODUCTION TAX CREDIT.
23 The taxes imposed under this chapter shall be
24 reduced by a wind energy production tax credit allowed
25 under chapter 476B.
26 Sec. 5. NEW SECTION. 476B.1 DEFINITIONS.
27 For purposes of this chapter, unless the context
28 otherwise requires:
29 1. "Board" means the utilities board within the
30 utilities division of the department of commerce.
31 2. "Department" means the department of revenue.
32 3. "Qualified electricity" means electricity
33 produced from wind at a qualified facility.
34 4. "Qualified facility" means an electrical
35 production facility that meets all of the following:
36 a. Produces electricity from wind.
37 b. Is located in Iowa.
38 c. Was originally placed in service on or after
39 July 1, 2004, but before July 1, 2007.
40 Sec. 6. NEW SECTION. 476B.2 GENERAL RULE.
41 The owner of a qualified facility shall, for each
42 kilowatt-hour of qualified electricity that the owner
43 sells during the ten-year period beginning on the date
44 the qualified facility was originally placed in
45 service, be allowed a wind energy production tax
46 credit to the extent provided in this chapter against

47 the tax imposed in chapter 422, divisions II, III, and
48 V, and chapter 432.
49 Sec. 7. NEW SECTION. 476B.3 CREDIT AMOUNT.
50 The wind energy production tax credit allowed under

Page 2

1 this chapter equals the product of one cent multiplied
2 by the number of kilowatt-hours of qualified
3 electricity sold by the owner during the taxable year.

4 Sec. 8. NEW SECTION. 476B.4 LIMITATIONS.

5 1. a. The wind energy production tax credit shall
6 not be allowed for any kilowatt-hour of electricity
7 produced on wind energy conversion property for which
8 the owner has claimed or otherwise received for that
9 property the benefit of special valuation under
10 section 427B.26 or section 441.21, subsection 8, or
11 the exemption from retail sales tax under section
12 422.45, subsection 48, or section 423.3, subsection
13 53, as applicable.

14 b. The disallowance of the tax credit pursuant to
15 paragraph "a" does not apply to an owner of a
16 qualified facility that owns, directly or indirectly,
17 in the aggregate, a total annual turbine nameplate
18 capacity of all such property of less than one
19 megawatt.

20 2. The wind energy production tax credit shall not
21 be allowed for any kilowatt-hour of electricity that
22 is sold to a related person. For purpose of this
23 subsection, persons shall be treated as related to
24 each other if such persons would be treated as a
25 single employer under the regulations prescribed under
26 section 52(b) of the Internal Revenue Code. In the
27 case of a corporation that is a member of an
28 affiliated group of corporations filing a consolidated
29 return, such corporation shall be treated as selling
30 electricity to an unrelated person if such electricity
31 is sold to such a person by another member of such
32 group.

33 Sec. 9. NEW SECTION. 476B.5 APPLICATION FOR TAX
34 CREDIT CERTIFICATES.

35 1. a. To be eligible to receive the wind energy
36 production tax credit, the owner must first receive
37 approval of the board of supervisors of the county in
38 which the qualified facility is located. The
39 application for approval may be submitted prior to
40 commencement of the construction of the qualified
41 facility but shall be submitted no later than the
42 close of the owner's first taxable year for which the
43 credit is to be applied for. The application must
44 contain the owner's name and address, the address of
45 the qualified facility, and the dates of the owner's

46 first and last taxable years for which the credit will
47 be applied for. Within forty-five days of the receipt
48 of the application for approval, the board of
49 supervisors shall either approve or disapprove the
50 application. After the forty-five-day limit, the

Page 3

1 application is deemed to be approved.
2 b. Upon approval of the application, the owner may
3 apply for the tax credit as provided in subsection 2.
4 In addition, approval of the application is approval
5 by the board of supervisors for the payment of the
6 property taxes levied on the qualified property to the
7 state. The property taxes to be paid to the state are
8 those property taxes which make up the consolidated
9 tax levied on the qualified facility and which are due
10 and payable in the twelve-year period beginning with
11 the first fiscal year beginning on or after the end of
12 the owner's first taxable year for which the credit is
13 applied for. Upon approval of the application, the
14 board of supervisors shall notify the county treasurer
15 to state on the tax statement which lists the taxes on
16 the qualified facility that the amount of the property
17 taxes shall be paid to the department. Payment of the
18 designated property taxes to the department shall be
19 in the same manner as required for the payment of
20 regular property taxes and failure to pay designated
21 property taxes to the department shall be treated the
22 same as failure to pay property taxes to the county
23 treasurer.
24 c. Once the owner of the qualified facility
25 receives approval under paragraph "a", subsequent
26 approval under paragraph "a" is not required for the
27 same qualified facility for subsequent taxable years.
28 2. To receive the wind energy production tax
29 credit, an owner of the qualified facility must submit
30 an application for a tax credit certificate to the
31 board not later than thirty days after the close of
32 the taxable year for which the credit is applied for.
33 The owner's application must contain, but need not be
34 limited to, all of the following information: the
35 owner's name, tax identification number, and address,
36 the number of kilowatt-hours of qualified electricity
37 sold by the owner during the preceding taxable year,
38 the address of the qualified facility at which the
39 qualified electricity was produced, and the
40 denomination that each tax credit certificate is to
41 carry. For the first taxable year for which the
42 credit is applied for, there shall be attached to the
43 application a notarized copy of the board of
44 supervisors' approval as required in subsection 1.

45 3. The board shall, in conjunction with the
46 department, prescribe appropriate forms, including
47 board of supervisors' approval forms, and instructions
48 to enable owners to claim the tax credit allowed under
49 this chapter. If the board prescribes these forms and
50 instructions, an owner's application for a tax credit

Page 4

1 certificate shall not be valid unless made on and in
2 accordance with these forms and instructions.
3 Sec. 10. NEW SECTION. 476B.6 ISSUANCE OF TAX
4 CREDIT CERTIFICATES.
5 1. If the owner meets the criteria for eligibility
6 for the wind energy production tax credit, the board
7 shall determine the validity of the application and if
8 valid, shall approve the application for credit. Once
9 approval of the credit for a qualified facility is
10 granted, subsequent approval is not required for the
11 same qualified facility. However, application is
12 required to be filed as provided in section 476B.5,
13 subsection 2, for purposes of the issuance of credit
14 certificates. The board shall issue one or more tax
15 credit certificates to the owner not later than thirty
16 days after the application is submitted to the board.
17 Each tax credit certificate must contain the owner's
18 name, address, and tax identification number, amount
19 of tax credits, the first taxable year the
20 certificates may be used, which shall not be for a
21 taxable year beginning prior to July 1, 2005, and the
22 expiration date of the tax credit certificate, which
23 shall be seven years from its date of issuance and any
24 other information required by the department. Once
25 issued by the board, the tax credit certificate shall
26 be binding on the board and the department and shall
27 not be modified, terminated, or rescinded. The board
28 shall notify the department and identify the qualified
29 facility for which the owner received tax credit
30 certificates that property taxes levied on the
31 qualified facility are to be paid to the department.
32 2. If the tax credit application is filed by a
33 partnership, limited liability company, S corporation,
34 estate, trust, or other reporting entity all of the
35 income of which is taxed directly to its equity
36 holders or beneficiaries, the tax credit certificate
37 may, at the election of the owner, be issued directly
38 to equity holders or beneficiaries of the owner in
39 proportion to their pro rata share of the income of
40 such entity. If the owner elects to have the tax
41 credit certificate issued directly to its equity
42 holders or beneficiaries, the owner must, in the
43 application made under section 476B.5, identify its

44 equity holders or beneficiaries, and the amount of
45 such entity's income that is allocable to each equity
46 holder or beneficiary.
47 Sec. 11. NEW SECTION. 476B.7 TRANSFER OF TAX
48 CREDIT CERTIFICATES.
49 Wind energy production tax credit certificates
50 issued under this chapter may be transferred to any

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1 person or entity. Within thirty days of transfer, the
2 transferee must submit the transferred tax credit
3 certificate to the board along with a statement
4 containing the transferee's name, tax identification
5 number, and address, and the denomination that each
6 replacement tax credit certificate is to carry and any
7 other information required by the department. Within
8 thirty days of receiving the transferred tax credit
9 certificate and the transferee's statement, the board
10 shall issue one or more replacement tax credit
11 certificates to the transferee. Each replacement
12 certificate must contain the information required
13 under section 476B.6 and must have the same effective
14 taxable year and the same expiration date that
15 appeared in the transferred tax credit certificate.
16 Tax credit certificate amounts of less than the
17 minimum amount established by rule of the board shall
18 not be transferable. A tax credit shall not be
19 claimed by a transferee under this chapter until a
20 replacement tax credit certificate identifying the
21 transferee as the proper holder has been issued.
22 The tax credit shall only be transferred once. The
23 transferee may use the amount of the tax credit
24 transferred against the taxes imposed under chapter
25 422, divisions II, III, and V, and chapter 432 for any
26 tax year the original transferor could have claimed
27 the tax credit. Any consideration received for the
28 transfer of the tax credit shall not be included as
29 income under chapter 422, divisions II, III, and V.
30 Any consideration paid for the transfer of the tax
31 credit shall not be deducted from income under chapter
32 422, divisions II, III, and V.
33 Sec. 12. NEW SECTION. 476B.8 USE OF TAX CREDIT
34 CERTIFICATES.
35 To claim a wind energy production tax credit under
36 this chapter, a taxpayer must attach one or more tax
37 credit certificates to the taxpayer's tax return. A
38 tax credit certificate shall not be used or attached
39 to a return filed for a taxable year beginning prior
40 to July 1, 2005. The tax credit certificate or
41 certificates attached to the taxpayer's tax return
42 shall be issued in the taxpayer's name, expire on or

43 after the last day of the taxable year for which the
 44 taxpayer is claiming the tax credit, and show a tax
 45 credit amount equal to or greater than the tax credit
 46 claimed on the taxpayer's tax return. Any tax credit
 47 in excess of the taxpayer's tax liability for the
 48 taxable year may be credited to the taxpayer's tax
 49 liability for the following seven taxable years or
 50 until depleted, whichever is the earlier.

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1 Sec. 13. NEW SECTION. 476B.9 REGISTRATION OF TAX
 2 CREDIT CERTIFICATES.

3 The board shall, in conjunction with the
 4 department, develop a system for the registration of
 5 the wind energy production tax credit certificates
 6 issued or transferred under this chapter and a system
 7 that permits verification that any tax credit claimed
 8 on a tax return is valid and that transfers of the tax
 9 credit certificates are made in accordance with the
 10 requirements of this chapter. The tax credit
 11 certificates issued under this chapter shall not be
 12 classified as a security pursuant to chapter 502.

13 Sec. 14. EFFECTIVE AND APPLICABILITY DATES. This
 14 Act, being deemed of immediate importance, takes
 15 effect upon enactment and applies retroactively to
 16 taxable years beginning on or after January 1, 2004."

17 2. Title page, by striking lines 3 and 4 and
 18 inserting the following: "insurance premiums tax,
 19 providing for certain property taxes to be paid to the
 20 state, and including effective and applicability date
 21 provisions."

Freeman of Buena Vista offered the following amendment [H-8364](#),
 to the committee amendment [H-8352](#), filed by her and moved its
 adoption:

[H-8364](#)

1 Amend the Committee amendment, [H-8352](#), to Senate
 2 File 449, as amended, passed, and reprinted by the
 3 Senate, as follows:

4 1. Page 2, line 3, by inserting after the word
 5 "year." the following: "However, the wind energy
 6 production tax credit for each qualified facility
 7 shall not exceed the rate times the kilowatt-hours of
 8 qualified electricity produced by thirty-five thousand
 9 hours of equivalent full load production. The
 10 equivalent full load production of thirty-five
 11 thousand hours shall be determined by multiplying the
 12 nameplate generating capacity of a facility in

13 kilowatts by thirty-five thousand."
14 2. Page 2, lines 18 and 19, by striking the words
15 "one megawatt" and inserting the following: "two
16 megawatts".

Speaker Rants in the chair at 7:48 p.m.

A non-record roll call was requested.

The ayes were 46, nays 39.

Amendment [H-8364](#) was adopted.

Gipp of Winneshiek asked and received unanimous consent that [Senate File 449](#) be deferred and that the bill retain its place on the calendar. (The committee amendment [H-8352](#), as amended, pending)

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [Senate File 2284](#) be immediately messaged to the Senate.

REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in enrolling bills the following corrections were made:

[House File 2134](#)

1. Page 1, line 18 – Don't underscore period after provided.
2. Page 2, line 10 – Don't underscore period after provided.

[House File 2208](#)

1. Page 3, line 4 – Delete extra space after stricken colon.
2. Page 4 line 22, – Strike quote with ~~Active~~ and reinsert as underscored quote before State – goes with first word.
3. Page 37, line 30 – The word "services" should be stricken through the last "s".

[House File 2319](#)

1. Page 3, line 16 – Delete period after 31.

House File 2394

1. Page 3, Line 7 – Course work should be one word.

MARGARET A. THOMSON
Chief Clerk of the House

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Monday, April 5, 2004. Had I been present, I would have voted “aye” on [House File 2562](#).

DIX of Butler

I was necessarily absent from the House chamber on Thursday, April 1, 2004. Had I been present, I would have voted “aye” on House Files 2134, 2186, 2243, 2269, 2281, 2460 and 2549 and Senate Files 2101, 2119, 2154, 2174, 2193, 2208, 2249 and 2272.

HEATON of Henry

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 5th day of April, 2004: House Files 2138, 2149, 2318, 2350, 2358, 2452 and 2520.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 2, 2004, he approved and transmitted to the Secretary of State the following bills:

[House File 2042](#), an Act relating to the donation of blood by persons sixteen years of age.

[House File 2167](#), an Act to eliminate the inspections division of the Department of Inspections and Appeals.

[House File 2241](#), an Act authorizing school districts and nonpublic schools to apply credit under the State Education Program for successful completion of military basic training.

[House File 2270](#), an Act relating to certain notice requirements for cooperative associations retaining abandoned property.

[House File 2282](#), an Act relating to the selling of bait by an aquaculture unit licensee.

[House File 2351](#), an Act relating to enforcement of waste tire violations and providing a penalty.

[House File 2362](#), an Act relating to the duties of the birth defects institute by providing for a work group to study stillbirths and renaming the institute.

[House File 2381](#), an Act changing the budget certification deadline for county hospital budgets.

[House File 2431](#), an Act relating to educational institutions under the university-based research utilization program.

[House File 2464](#), an Act providing for the establishment and funding of an automated external defibrillator grant program, and providing an effective date.

[House File 2497](#), an Act providing for a sick leave and vacation incentive program for state employees and providing an effective date.

[House File 2506](#), an Act relating to electronic and facsimile prescriptions and making penalties applicable.

[House File 2538](#), an Act providing a transfer from the cash reserve fund to the Rebuild Iowa Infrastructure Fund for purposes of the standing appropriation to the Environment First Fund and providing an effective date.

[Senate Joint Resolution 2009](#), a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the 2004 annual meeting of the Midamerican Chapter of the American Association of Law Librarians.

[Senate File 2187](#), an Act relating to municipal utilities that provide local exchange services, including the confidentiality and audits of certain accounting record, the allocation of the cost of use of city resources, and exemption from sales and use taxes.

[Senate File 2202](#), an Act relating to meningococcal disease vaccination information for students who are enrolled in an institution of higher learning that has an on-campus dormitory or residence hall, and providing for related matters.

[Senate File 2210](#), an Act relating to the Iowa Corn Promotion Board, including its ex officio, nonvoting membership and the expenditure of moneys for programs.

GOVERNOR'S VETO MESSAGES

A copy of the following communications were received and placed on file.

April 2, 2004

Christopher Rants
Speaker of the House
State Capitol Building
L O C A L

Dear Speaker Rants:

I hereby transmit [House File 2383](#), an Act relating to rural improvement zones.

I agree with the intent of this legislation to encourage development of water resource and recreational projects around Iowa. However, I am unable to accept [House File 2383](#) because it creates open-ended authority to establish tax increment financing (TIF) districts around private lake developments throughout all 99 counties. Without additional guidance on eligibility of projects, a definition of "lake," and a cap on the impact to the state general fund, this approach is too broad.

For the above reasons, I hereby respectfully disapprove [House File 2383](#). I am committed to working with members of the legislature to develop a program that encourages investment in outdoor recreational activities and water resource improvement opportunities.

Sincerely,
Thomas J. Vilsack
Governor

April 2, 2004

Christopher Rants
Speaker of the House
State Capitol Building
L O C A L

Dear Speaker Rants:

I hereby transmit [House File 2479](#), an Act relating to the regulation and zoning of commercial canine operations.

Iowa Code Chapter 335 allows County's to regulate land use through adoption of zoning ordinances if a county so chooses. To extend an exemption from County Zoning Ordinances to commercial dog kennels would eliminate a County's ability to address the concerns of neighbors and the impacts such operations would have on adjacent property.

Commercial dog kennels are generally the type of use that most zoning ordinances only allow as a "special use" rather than a "permitted use". Special uses generally require public hearings before a Zoning Board of Adjustment, which gives neighbors the right to know and voice input during the review process. Approval of this bill would eliminate that right.

For the above reasons, I hereby respectfully disapprove [House File 2479](#).

Sincerely,
Thomas J. Vilsack
Governor

April 2, 2004

The Honorable Jeffrey Lamberti
President of the Senate
State Capitol Building
L O C A L

Dear President Lamberti:

I hereby transmit [Senate File 2148](#), an Act relating to the motor vehicle operating privileges of a person convicted of motor fuel theft from a retail dealer.

I am unable to approve [Senate File 2148](#). Suspension of an individual's driver's license is appropriate when it enhances safe highway travel as is in the case of drunk drivers or habitual traffic violators. Suspension of a driver's license is not currently a penalty for any type of theft under Iowa law nor should it become one. It is a bad public policy to use suspension of a driver's license for anything other than enhancing safe highway travel.

Theft of any kind, including theft of gasoline, has penalties under Iowa criminal law that are based on the value of the item stolen. Currently, Iowa law provides that theft of property not exceeding \$200.00 is punishable by a fine of at least \$50.00 but not more than \$500.00, or by imprisonment for not more than 30 days, or both. Theft is theft and should be treated as such in all cases.

It is not necessary to create special classes of crimes that have varying penalties within already existing criminal statutes. This would be the only area where driver's license suspension would be used with regard to criminal theft. It does not make sense to treat the theft of gasoline in a different manner than the theft of any other property. This is also the only example where a driver's license suspension would be used to protect a private business. This would set bad precedent.

It is particularly important not to make an exception to good policy practice or take a precedent setting action when other options to address a problem have not been exhausted. Proponents of this law argue that tougher penalties are needed as a deterrent, but do not ask for increased enforcement under the new law. Adequately publicizing existing criminal penalties, including posting them on gas pumps, would

provide as strong a deterrent as expanding potential penalties without increasing enforcement.

Additionally, implementing private business-based approaches to curb theft, such as pre-payment for gasoline and video surveillance, are appropriate and effective steps that private businesses can take to prevent fuel theft.

For the above reasons, I hereby respectfully disapprove [Senate File 2148](#).

Sincerely,
Thomas J. Vilsack
Governor

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- 2004\1120 Barrett Anderson, Valley High School-West Des Moines – For being named a State of Iowa Scholar.
- 2004\1121 Adam Bartelt, Dallas Center-Grimes Community High School – For being named a State of Iowa Scholar.
- 2004\1122 Rosalind Buda, Waukee Senior High School – For being named a State of Iowa Scholar.
- 2004\1123 Daniel De Graaf, Waukee Senior High School – For being named a State of Iowa Scholar.
- 2004\1124 Donald Gehrls, Waukee Senior High School – For being named a State of Iowa Scholar.
- 2004\1125 Heather Halbur, ADM Senior High School – For being named a State of Iowa Scholar.
- 2004\1126 Angela Heenan, ADM Senior High School – For being named a State of Iowa Scholar.
- 2004\1127 Jaimee Johnson, Dallas Center-Grimes Community High School – For being named a State of Iowa Scholar.
- 2004\1128 Meagan McColloch, Panorama High School – For being named a State of Iowa Scholar.
- 2004\1129 Gwen Meyer, Waukee Senior High School – For being named a State of Iowa Scholar.

- 2004\1130 Nicole Pantzlaff, Valley High School-West Des Moines – For being named a State of Iowa Scholar.
- 2004\1131 Ashley Renshaw, Dallas Center-Grimes Community High School – For being named a State of Iowa Scholar.
- 2004\1132 Anna Schiltz, Waukee Senior High School – For being named a State of Iowa Scholar.
- 2004\1133 Sara Schuhardt, ADM Senior High School – For being named a State of Iowa Scholar.
- 2004\1134 Taylor Telford, Van Meter Jr.-Sr. High School – For being named a State of Iowa Scholar.
- 2004\1135 Ana Valencia, ADM Senior High School – For being named a State of Iowa Scholar.
- 2004\1136 Sarah Wouters, Waukee Senior High School – For being named a State of Iowa Scholar.
- 2004\1137 Shajia Ahmad, Cedar Falls Senior High School – For being named a State of Iowa Scholar.
- 2004\1138 Danielle Barkema, Cedar Falls Senior High School – For being named a State of Iowa Scholar.
- 2004\1139 Anna Battcher, Cedar Falls Senior High School – For being named a State of Iowa Scholar.
- 2004\1140 Katherine Corker, Cedar Falls Senior High School – For being named a State of Iowa Scholar.
- 2004\1141 Kyle Duchman, Cedar Falls Senior High School – For being named a State of Iowa Scholar.
- 2004\1142 Nathan Hanson, Cedar Falls Senior High School – For being named a State of Iowa Scholar.
- 2004\1143 Mallory Hensley, Cedar Falls Senior High School – For being named a State of Iowa Scholar.
- 2004\1144 Kendra Johnson, Cedar Falls Senior High School – For being named a State of Iowa Scholar.
- 2004\1145 Beth Kamienski, Cedar Falls Senior High School – For being named a State of Iowa Scholar.
- 2004\1146 Jennifer Lee, Cedar Falls Senior High School – For being named a State of Iowa Scholar.

- 2004\1147 Lia Plakke, Cedar Falls Senior High School – For being named a State of Iowa Scholar.
- 2004\1148 Margaret Poe, Cedar Falls Senior High School – For being named a State of Iowa Scholar.
- 2004\1149 Rachel Price, Cedar Falls Senior High School – For being named a State of Iowa Scholar.
- 2004\1150 Erin Stoss, Cedar Falls Senior High School – For being named a State of Iowa Scholar.
- 2004\1151 Annalysa Tensen, Cedar Falls Senior High School – For being named a State of Iowa Scholar.
- 2004\1152 Emily White, Cedar Falls Senior High School – For being named a State of Iowa Scholar.
- 2004\1153 Sandra King, Northern University High School – For being named a State of Iowa Scholar.
- 2004\1154 Bessie Mae Mills, Cedar Falls – For celebrating her 89th birthday.
- 2004\1155 Jacob and Joanne Hazlet, Cedar Falls – For celebrating their 60th wedding anniversary.
- 2004\1156 Merrill G. And Ginny Lechelt, Cedar Falls – For celebrating their 57th wedding anniversary.
- 2004\1157 Ellen Stein, Belle Plaine – For celebrating her 85th birthday.
- 2004\1158 Roland A. Hellwig, Keystone – For celebrating his 90th birthday.
- 2004\1159 Donald Kokesh, Newhall – For celebrating his 80th birthday.
- 2004\1160 Paulyne and Clint Miller, Farragut – For celebrating their 60th wedding anniversary.
- 2004\1161 Lois Miszner, LaPorte City – For celebrating her 85th birthday.
- 2004\1162 Jacob Francois, Winthrop – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\1163 Leone Parson, Sioux City – For celebrating her 93rd birthday.
- 2004\1164 Eleanor Hamp, Sioux City – For celebrating her 80th birthday.
- 2004\1165 Earl and Joyce Pratt, Sioux City – For celebrating their 62nd wedding anniversary.
- 2004\1166 Gerald and Arlys DeWitt, Oskaloosa – For celebrating their 50th wedding anniversary.

- 2004\1167 Berniece Brager, Oskaloosa – For celebrating her 85th birthday.
- 2004\1168 LuVerne (Pete) Plogmann, Traer – For celebrating his 85th birthday.
- 2004\1169 Mildred Belthuis, Dysart – For celebrating her 85th birthday.
- 2004\1170 Geraldine and Glenn Morelock, Shenandoah – For celebrating their 60th wedding anniversary.
- 2004\1171 Elmer and Margaret Teeter, Fairfield – For celebrating their 50th wedding anniversary.
- 2004\1172 Viola Norton, Milton – For celebrating her 98th birthday.
- 2004\1173 Lindsey Batenhorst, Muscatine – For winning 1st place in the Business Math division and 1st place in the Filing division at the Iowa FBLA (Future Business Leaders of America) State Leadership Conference.
- 2004\1174 Louise LaFrenz, Rock Rapids – For celebrating her 90th birthday.
- 2004\1175 Chad Schuiteman, Sioux Center Warriors – For receiving Class 2A State Basketball First-Team All-State Honors by the Iowa Newspaper Association.
- 2004\1176 Charlotte “Cigi” Low, Camanche – For receiving the 2004 Young Woman of Achievement Award.

RESOLUTIONS FILED

[HCR 124](#), by Greiner, a concurrent resolution congratulating Ms. Courtney Knupp on being crowned 2004 Iowa Pork Queen.

Laid over under **Rule 25**.

[HCR 125](#), by Fallon, a concurrent resolution designating April 7, 2004, as Iowa Homeless Awareness Day.

Laid over under **Rule 25**.

[HR 158](#), by Mertz, a resolution honoring the city of Algona on its sesquicentennial anniversary year.

Laid over under **Rule 25**.

HR 159, by Quirk, a resolution congratulating the Tri-State Amateur Radio Club for having received a Daily Point of Light Award.

Laid over under **Rule 25**.

AMENDMENTS FILED

<u>H-8372</u>	<u>H.F.</u>	<u>2548</u>	Lensing of Johnson
			Thomas of Clayton
			Oldson of Polk
			Wendt of Woodbury
<u>H-8373</u>	<u>S.F.</u>	<u>2298</u>	Alons of Sioux
			Carroll of Poweshiek
			Watts of Dallas
			Lukan of Dubuque
			Lalk of Fayette
			Van Engelenhoven of Marion
			Mertz of Kossuth
			Tymeson of Madison
<u>H-8374</u>	<u>S.F.</u>	<u>2298</u>	Heaton of Henry
<u>H-8376</u>	<u>S.F.</u>	<u>2175</u>	Horbach of Tama
<u>H-8377</u>	<u>H.F.</u>	<u>2567</u>	Frevert of Palo Alto
			Lalk of Fayette
<u>H-8378</u>	<u>H.F.</u>	<u>2569</u>	Hogg of Linn
<u>H-8379</u>	<u>S.F.</u>	<u>2298</u>	Eichhorn of Hamilton
<u>H-8380</u>	<u>S.F.</u>	<u>2298</u>	Eichhorn of Hamilton
<u>H-8383</u>	<u>S.F.</u>	<u>2269</u>	Fallon of Polk
<u>H-8384</u>	<u>S.F.</u>	<u>2298</u>	Boal of Polk
			Kramer of Polk
<u>H-8385</u>	<u>H.F.</u>	<u>2544</u>	Senate Amendment
<u>H-8386</u>	<u>S.F.</u>	<u>2298</u>	Dix of Butler
<u>H-8387</u>	<u>S.F.</u>	<u>2298</u>	Huser of Polk
			Kurtenbach of Story
<u>H-8388</u>	<u>S.F.</u>	<u>449</u>	Shoultz of Black Hawk
<u>H-8389</u>	<u>S.F.</u>	<u>2298</u>	Fallon of Polk
<u>H-8390</u>	<u>S.F.</u>	<u>2298</u>	Kurtenbach of Story
			Heddens of Story
			Carroll of Poweshiek

On motion by Gipp of Winneshiek the House adjourned at 7:54 p.m., until 8:45 a.m., Tuesday, April 6, 2004.